

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p> <hr/> <p>STATE OF COLORADO <i>ex rel.</i> JOHN W. SUTHERS, ATTORNEY GENERAL FOR THE STATE OF COLORADO, and LAURA E. UDIS, ADMINISTRATOR, UNIFORM CONSUMER CREDIT CODE,</p> <p>Plaintiffs,</p> <p>v.</p> <p>ENHANCED SERVICING SOLUTIONS, INC., a New York corporation; and THOMAS ROLAND, individually,</p> <p>Defendants.</p>	<p>EFILED Document CO Denver County District Court 2nd JD Filing Date: May 31 2011 5:07PM MDT Filing ID: 37881569 Review Clerk: Matthew Palmer</p> <p>▲ COURT USE ONLY ▲</p>
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<p align="center">MOTION FOR PRELIMINARY INJUNCTION</p>	

Plaintiffs, the State of Colorado ex rel. John W. Suthers, Attorney General for the State of Colorado (the “State”), and Laura E. Udis, Administrator of the Uniform Consumer Credit Code (the “Administrator”), by and through the undersigned senior assistant attorney general, hereby move for a preliminary injunction enjoining Defendants from (1) providing debt-management services to residents of Colorado without obtaining from the Administrator the requisite certificate of registration; (2) providing debt-management services to Colorado residents in violation of the Colorado Uniform Debt-Management Services Act (the “DMSA”) requirements; and (3) engaging in deceptive trade practices, in the course of their business activities, in violation of the Colorado Consumer Protection Act (the “CCPA”). As grounds for this motion, Plaintiffs state as follows:

1. The Administrator of the Uniform Consumer Credit Code is responsible for, among other things, ensuring that those providing “debt-management services” to residents of

Colorado are properly registered to conduct business in Colorado and comply with the provisions of the DMSA. Under the DMSA, the Administrator may enforce the act by prosecuting a civil action to obtain an injunction. C.R.S. § 12-14.5-233(a)(4)(B). The CCPA similarly provides that when the Attorney General “has cause to believe that a person has engaged in or is engaging in any deceptive trade practice listed in section 6-1-105 or part 7 of this article, the attorney general . . . may apply for and obtain . . . a[n] injunction . . . prohibiting such person from continuing such practices, or engaging therein, or doing any act in furtherance thereof.” C.R.S. § 6-1-110(1).

2. To be entitled to a preliminary injunction, Plaintiffs need only demonstrate that there is reasonable cause to believe that Defendants are engaged in conduct prohibited by the DMSA or the CCPA. See Kourlis v. District Court, 930 P.2d 1329, 1335-36 (Colo. 1997); Lloyd A. Fry Roofing Co. v. Dep’t of Health Air Pollution Variance Bd., 191 Colo. 463, 473, 553 P.2d 800, 808 (1976); State v. Cash Now Store, Inc., 31 P.3d 161, 167 (Colo. 2001). Here, Defendants are providing debt-management services to Colorado residents without having registered as providers of debt-management services with the Administrator, in violation of the DMSA and the CCPA. Moreover, Defendants are engaged in business practices directly prohibited by the DMSA and the CCPA.

3. For these reasons, as fully set forth in Plaintiffs’ Brief in Support of Motion for Preliminary Injunction filed herewith, Plaintiffs request that the Court enter an order as follows:

- a. Enjoining Defendants from providing debt-management services to residents of Colorado without obtaining from the Administrator the requisite certificate of registration;
- b. Enjoining Defendants from providing debt-management services to Colorado residents in violation of the DMSA’s requirements; and
- c. Enjoining Defendants from engaging in deceptive trade practices, in the course of their business activities, in violation of the CCPA.

DATED: Denver, Colorado
May 31, 2011

JOHN W. SUTHERS
Attorney General

s/ *Jeanine M. Anderson*

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Pursuant to C.R.C.P. 121, § 1-26(7), the original of this document with original signatures is maintained in the Offices of the Colorado Attorney General, 1525 Sherman Street, Seventh Floor, Denver, Colorado 80203, and will be made available for inspection by other parties or the Court upon request.